



3624
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
Asif Adatia :
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Application No.: 09/841,388 :
: Group Art Unit: 3624
Filed: April 24, 2001 :
: Examiner: S.R. Wasylchak
For: AUTOMATED SECURITIES TRADE :
EXECUTION SYSTEM AND METHOD :
:
:
Attorney Docket No.: 11252-0005 :
:

I, John F. Letchford, Registration No. 33,328, certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 26, 2004.

John F. Letchford

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SECOND SUPPLEMENTAL RESPONSE UNDER 37 C.F.R. § 1.111(b)

This is in response to the second Notice of Non-Compliant Amendment ("Second Notice") dated August 19, 2004. The Second Notice was issued by Legal Instruments Examiner Sonya Hilliard in response to a first SUPPLEMENTAL RESPONSE UNDER 37 C.F.R. § 1.111(b) ("First Supplemental Response") filed July 26, 2004 and received in the USPTO on July 29, 2004. The Second Notice indicates that the First Supplemental Response was non-compliant

with 37 CFR 1.121 because it did not include a complete listing of all claims in the application in ascending numerical order. The First Supplemental Response was filed in response to a Response to Applicant's Amendment, which was, in essence a first Notice of Non-Compliant Amendment ("First Notice"), that was issued by Patent Examiner Steven Wasylchak on July 14, 2004. The First Notice was issued by Examiner Wasylchak in response to an Amendment that was filed on April 5, 2004 ("Amendment") in response to a first Office Action on the merits dated December 5, 2003 ("First Office Action").

The Second Notice indicated that the First Supplemental Response was non-compliant for reason that it did not include a complete listing of all of the claims in the application in ascending numerical order. Applicant notes that the earlier Amendment did include a complete listing of all of the claims of the application in ascending numerical order. Examiner Wasylchak indicated in the First Notice that, in his belief, the Amendment was non-compliant with 37 CFR 1.111(b) because Applicant allegedly did not include arguments pointing out specific distinctions pointing out why certain claims added by the Amendment were each independently patentable. Applicant's believe that the Amendment was fully compliant with 37 CFR 1.111(b) and did provide specific arguments in support of the patentability of each of the new claims added by the Amendment. Nevertheless, Applicant's dutifully filed the First Supplemental Response in response to the Examiner's requirement therefor. And, since the First Notice merely required submission of the aforesaid arguments, Applicant had assumed that resubmission of

the complete list of claims set forth in the Amendment in the First Supplemental Response would be unnecessary and redundant.

The First Office Action was non-final and Examiner Wasylchak indicated in the First Notice that the First Notice was a non-final action. Accordingly, it is Applicant's understanding that the rejection status of the claims of the instant application is non-final.

The Second Notice states, in **bold** type: "Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety) , e.g., "Amendment to the claims" section of applicant's amendment document must be resubmitted." Accordingly, submitted herewith and beginning on page 5 is a complete listing of all of the claims of the application in ascending numerical order that was also previously submitted in the Amendment.

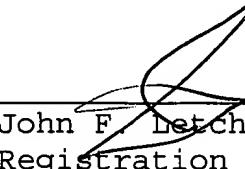
The Second Notice further states that if the non-compliant amendment is a reply to a non-final Office Action, applicant is given a time period of one month from the mailing date of the Second Notice within which to resubmit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment.

By virtue of this timely and complete submission, Applicant respectfully submits that the present application is in condition for further examination and requests that such examination resume without delay.

If either Legal Instruments Examiner Hilliard or Patent Examiner Wasylchak believes that any additional information may be needed to advance prosecution of the present application, he or she is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: August 26, 2004


John F. Letchford
Registration No. 33,328

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